

C/O: JOVANNY RODRIGUEZ #65504-054
 UNITED STATES PENITENTIARY CANAAN
 POST OFFICE BOX 300
 WAYMART, PENNSYLVANIA 18472

FILED
 SCRANTON

AUG 28 2017

UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PER Am2
 DEPUTY CLERK

IN RE JOVANNY RODRIGUEZ, et al.,
 Plaintiff/Complainant,

FEDERAL QUESTION JURISDICTION
 ARTICLE III CASE NO. _____

vs.

Attached Case:

UNITED STATES et al.,
 Defendant(s)

1:11-cr-00755-JFK-3
 U.S. Dist. Court/Southern District
 of NEW YORK (Foley Square)

***Not withstanding Immediate Release - A Seventh Amendment 'Jury Trial is Demanded'!**

FIRST AMENDMENT 'BILL OF COMPLAINT' FOR REDRESS OF GRIEVANCES IN THE
 NATURE OF A COMMON LAW WRIT OF HABEAS CORPUS AD SUBJICIENDUM PER
 ARTICLE 1§9 Cls.2 OF THE UNITED STATES CONSTITUTION

*** TAKE JUDICIAL NOTICE: THIS IS NOT A 28 U.S.C. § 2255 -or- 2241!**

COMES NOW PLAINTIFF/COMPLAINANT JOVANNY RODRIGUEZ by and through
 The Real Party In Interest Jovanny R. Rodriguez Sui Juris, in Propria
 Persona via 'Restricted Appearance', de jure as a Private Citizen and
 Presents this First Amendment Bill of Complaint for Redress of
 Grievance in the Nature of the 'Common Law Writ of Habeas Corpus Ad
 Subjiciendum' to test the 'lawfulness' of his 'Executive Detention'
 in the Federal Bureau of Prisons (BOP), currently in the Care, Control
 and Custody of Defendant J. BALTAZAR d/b/a WARDEN OF UNITED STATES
 PENITENTIARY CANAAN -- BOP/DOJ.

I. JURISDICTION:

Plaintiff invokes this Courts 'Original' (and only) Judicial
 Jurisdiction/Article III's § 1 and 2 of the United States Constitution
 for UNITED STATES as a 'case or controversy' in which the Real Party In

1 Interest ('RP') has suffered injuries of False Arrest and False Executive
 2 Detention of a concrete nature, without Due Process of Law in an Article
 3 I § 8 Legislative Tribunal under an unlawful 'Bill of Attainder' which
 4 purported to be "A TRUE BILL" of Indictment -- without full disclosure
 5 as to the nature of the Tribunal or the true nature of the Charges;

6 II. TAKE NOTICE:

7 Plaintiff and The Real Party In Interest hereby specifically disavow
 8 all 'codes of congress' that are 'discretionary' or would imply any
 9 jurisdiction over them and rescinds any and all 'consent' (given in error
 10 without full disclosure as to the forum or true nature of the charges)
 11 to be governed whether express or implied, including but not limited to
 12 'acceptance of court appointed counsel' or a 'not guilty Plea' in the
 13 above noted attached case (which is not an Article III 'case', but is
 14 an Article I Executive 'case' with origins in § 8);

15 III. VENUE:

16 This is an appropriate venue as the Plaintiff and Real Party In
 17 Interest are being held in false Executive Detention in this District;

18 IV. PARTIES:

19 Plaintiff/Complainant JOVANNY RODRIGUEZ is a fictitious Person, with
 20 the Rights of an American Citizen and a Citizen of the State of New
 21 York, (et al.);

22 The Real Party In Interest Jovanny R. Rodriguez is a free and private
 23 man, equal to all others, sui juris, with a Birth Right Superior Interest
 24 in the Person JOVANNY RODRIGUEZ (the Named Plaintiff Herein) and has
 25 natural and private Rights and immunities, some of which are listed in
 26 the UNITED STATES CONSTITUTIONS BILL OF RIGHTS (et al.);

27 Defendant UNITED STATES is a Municipal Corporation of the District of
 28 Columbia with control over the Bureau of Prisons/Department of Justice/
 (See 28 U.S.C. § 3002(15)(A) Chptr. 176 and 19 Corpus Juris Secundum
 541 (1990)).

Defendant UNITED STATES OF AMERICA is an unknown entity which appears to have no Constitutional authorization in either the Federal Government or the State of New York to be Plaintiff in the above mentioned attached case;

Defendant J. BALTAZAR is doing business as the WARDEN of UNITED STATES PENITENTIARY CANAAN under the FEDERAL BUREAU OF PRISONS/DEPARTMENT OF JUSTICE/UNITED STATES; and is holding Plaintiff and the Real Party In Interest in False Executive Detention under a Void Judgment and Commitment Order obtained by Abuse of legal process and fraud after a False Arrest occasioned by an Officer of the State of New York who falsified evidence and documents;

V. TAKE JUDICIAL NOTICE:

This Article III § 1 and 2 Judicial Court is hereby 'CHARGED' with the DUTY of Ordering Defendant(s) to SHOW CAUSE VIA WRITTEN PROOF, FOR THE TRUE NATURE OF THE EXECUTIVE DETENTION AND THE TRUE CAUSE OF THE CHARGES OF PLAINTIFF AND THE REAL PARTY IN INTEREST WITHIN SEVENTY TWO (72) HOURS OF RECEIPT OF THIS MAILING. FURTHER THIS COURT OF LAW IS CHARGED WITH BRINGING THE REAL PARTY IN INTEREST BEFORE A JUDICIAL OFFICER OF THE LAW FOR A JUDICIAL DETERMINATION INTO THE LAWFULNESS OF SAID EXECUTIVE DETENTION WITHIN THE SAME TIME FRAME;

This Court of Law is also Charged with TAKING JUDICIAL NOTICE that Page 66 of THE UNITED STATES GOVERNMENT MANUAL (2014 ed.) defines this inferior Courts true and only jurisdiction as:

"sharing in Article III § I Judicial Jurisdiction under the UNITED STATES CONSTITUTION and the Supreme Court of the UNITED STATES is quoted as saying that these Courts can be invested with no other jurisdiction and has 'judges' who hold office (only) during good behavior, with 'no power in Congress to provide otherwise', (in relevant part)(with emphasis added).

(See Exhibit "C" 1-3)

1 Pursuant to Rules 201(b)(2) and 201(c) Fed. R. Evid. as the U.S.
2 Gov. Manual(at page 66) can accurately and readily be determined from
3 its source, who's accuracy cannot be reasonable questioned -- this
4 Article III § 1 Judicial Court of Law must take judicial notice that
5 the Supreme Court of the United States has held that this Court is a
6 Constitutional Court (as are all of the U.S. District Courts and Courts
7 of Appeals)which shares in the exercise of judicial power defined in
8 Article III of the U.S. Constitution and can be invested with no other
9 jurisdiction (such as Article I § 8 Cls. 3 'Commerce Clause' jurisdiction
10 under any statute applied to Plaintiff in the attached Executive case
11 noted herein above) and that Congress has no power to provide otherwise.

12 As the District Court of New York could not be invested with any
13 jurisdiction besides Article III § 1 and 2 Jurisdiction when the Executive
14 Branch of the Federal Government brought an Executive (non-Article III)
15 case based on UNITED STATES CODE in an Article I § 8 Legislative Tribunal
16 as applied to the fictitious Person JOVANNY RODRIGUEZ and the Real Party
17 In Interest,the District Court of New York lacked Subject Matter Juris-
18 dition under Article I § 8 'commerce clause' power usurped by Congress'
19 which was not granted to it, by the People in the United States Constit-
20 ution, thus is a separation of powers violation infecting all three of
21 the branches of the federal Government and has allowed False Executive
22 Detention in violation of Jovanny R. Rodriguez's unalienable Personal
23 Right to 'Life, Liberty and the Pursuit of Happiness' enshrined in the
24 Declaration of Independence and enforceable in Article VI of the United
25 States Constitution , as well as his Ninth and Tenth Amendment Rights
26 contained in the Bill of Rights amended to the United States Constitution.
27
28

VI. FACTS OF THE ATTACHED CASE:

1 On or about June 14, 2011 The Real Party In Interest, Jovanny R.
2 Rodriguez was arrested of his unalienable Right to Liberty without Due
3 Process of Law via the failure of the arresting Officer to present him
4 with an Arrest Warrant and an Affidavit showing 'Probable Cause' on
5 Oath or Affirmation. Mr. Rodriguez was then taken to Immigration and
6 held in False Executive Detention under the Fictitious Person JOVANNY
7 RODRIGUEZ Without 'Charge' or a 'Probable Cause' hearing.

8 On August 5, 2011 The Real Party in interest was taken to a Federal
9 Courthouse for the Southern District of New York, given Court Appointed
10 Counsel and presented with a 'Bill of Attainder' purporting to be a-
11 'A TRUE BILL' of Indictment charging as Defendant JOVANNY RODRIGUEZ
12 with certain U.S. Code violations. Jovanny R. Rodriguez was tricked,
13 deceived, and defrauded into pleading 'not guilty' after 'stating his
14 name for the record' without being given 'full disclosure' as to the
15 true nature of the Article 1 § 8 Legislative Tribunal he was in and
16 of the true nature of the code violations charged against his Person
17 JOVANNY RODRIGUEZ, while being lead to believe he was in an Article III
18 § I Judicial Court of law under an Article III § 2 "Case or Controversy".

19 After a Non-Article III Jury Trial occurred Defendant JOVANNY
20 RODRIGUEZ was convicted of Counts 1, 2, 4, 5, 6, 7, 10, 11, 12, & 15 and
21 The Real Party In Interest, a Private Citizen was held as a Surety or
22 Accommodation Party therefore, in False Executive Detention.

23 On March 18, 2014 JOVANNY RODRIGUEZ was sentenced to 3 life
24 sentences and other amounts of time in imprisonment.

25 At no time was the Real Party In Interest presented with an Arrest
26 Warrant, an Affidavit used to obtain an Arrest Warrant nor was he taken

1. before a United States Magistrate Judge for a Probable Cause Hearing
 2 which constitutes a false arrest and false Executive Detention without
 3 Due Process of Law in violation of the Real Party In Interest, Jovanny
 4 R. Rodriguez's 4th and 5th Amendment Rights contained in the 'Bill of
 5 Rights' to the United States Constitution, and his unalienable Natural
 6 Rights to Life, Liberty and the Pursuit of happiness as stated in the
 7 Declaration of Independence and Chargeable against United States via
 8 Article VI of the United States Constitution.

9 Detective DONALD DERIENZO'S FALSE STATEMENTS in a Sealed Complaint
 10 Filed July 14, 2011 caused an Arrest Warrant to Issue for JOVANNY
 11 RODRIGUEZ and Warrant # 11 MAG 1851 was not executed, nor was the Real
 12 Party In Interest brought immediately upon arrest before the United
 13 States District Court as the Warrant for Arrest Commanded, showing that
 14 the Arrest of the Real Party In Interest and his Person JOVANNY RODRIGUEZ
 15 was in fact a 'False Arrest' and everything that followed could not
 16 justify continued false Executive Detention. (See Exhibit "A" the
 17 unexecuted Warrant for Arrest included herewith).

18 Detective DONALD DERIENZO has priors for falsifying Police documents
 19 to establish Probable Cause for Arrest, for which the State of New York
 20 paid a man Four Million Dollars for his years of False Executive Detention
 21 and there is proof in this Executive case that the same Detective falsified
 22 Police Documents / the complaint to establish Probable Cause to Arrest
 23 JOVANNY RODRIGUEZ and the Real Party In Interest which is the proximate
 24 cause of Jovanny R. Rodriguez's False Executive Detention without Due
 25 Process of Law, based on a void Judgment and Commitment to--3 life
 26 Sentences and other time of incarceration.

27 With all of these facts in mind, the Real Party In Interest has
 28 raised a Prima Facie Article III § 2 Case or Controversy by invoking

1 this Article III § 1 Judicial Court of Law's Original Constitutional
 2 Jurisdiction under Article I § 9 Cls. 2 and the First Amendment to
 3 test the lawfulness of his Executive Detention in the Nature of a common
 4 Law Writ of Habeas Corpus Adsubjiciendum.

5
 6 **VII. CONSTITUTIONAL INJURIES-IN-FACT:**

7 Plaintiff and the Real Party In Interest hereby 'charges' that
 8 they are injured parties deprived of their unalienable and Constitutional
 9 Rights and are suffering Concrete-Injuries-In-Fact of False Executive
 10 Detention without Due Process of Law, due to Abuse of Process, Kidnap,
 11 (false Arrest) and fraud wherein and Article I § 8 Legislative Tribunal
 12 was invoked by the Executive Branch of the United States Federal
 13 Government via an unlawful "Bill of Attainder" in violation of Article
 14 I § 9 Cls. 3's express provisions prohibiting "Bills of Attainder" to
 15 issue; the Fourth Amendment Right of the Real Party In Interest to be
 16 'secure in his Person (the Plaintiff -- JOVANNY RODRIGUEZ); the Fifth
 17 Amendment Right of Plaintiff (and the Real Party In Interest) not to be
 18 held to answer for fictitious federal charges, a usurpation of the
 19 Commerce Clause power not delegated to Congress in the United States
 20 Constitution - and - not to be deprived of Due Process of Law in an
 21 Article III § 1 and 2 Judicial Court of Law; the Sixth Amendment Right
 22 of the Accused to receive a speedy and public Trial, be informed of the
 23 true nature and cause of the accusations and to have the assistance of
 24 counsel; the Rights of the Real Party In Interest preserved to him in
 25 the Ninth and Tenth Amendments; Natural and Private Rights (et al.).

26 For these reasons, the attached Judgment and commitment is void
 27 ab initio! Brutum Fulmen, for lack of all Jurisdiction! (See Exhibit
 28 " B " The Voided Judgment and Commitment included herewith).

an Article III Judicial Court of Law 'arising under' the United States Constitution at Article I § 9 Cl. 2; Article I § 9 Cl.3; Article VI; the First, Fourth, Fifth, Sixth, Ninth and Tenth Amendment contained in the Bill of Rights - Amended to the United States Constitution.

The Declaration of Independence states: (In relevant part)

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are Life , Liberty, and the pursuit of Happiness, that to ensure these rights, governments are instituted among men, deriving their just powers from the consent of the governed".

(Emphasis added to show mandate)

Without knowing and voluntary 'consent' to be governed after being given full disclosure as to any and all cohesion contracts, the United States application of U.S. Code is an unconscionable action that violates the unalienable natural right of liberty, of the Real Party In Interest.

Though the above quote of the Declaration of Independence was a part of declaring Independence from King George III it is as valid today under Article VI of the United States Constitution against the United States, as it was at that time.

VIII. ARGUMENT:

As the Real Party In Interest was taken against his will without presentment of a warrant of arrest and an accompanying Affidavit of Probable Cause, nothing that followed was lawful. The Real Party In Interest was deceived to believe he would get a legitimate Article III Judicial Trial if he accepted 'Court appointed Counsel' and 'plead Not Guilty' to the charges in a Bill of Attainder purporting to be A TRUE Bill of Indictment. These acts of consent from the Real Party In Inter-

1 -est were fraudulently obtained, without full disclosure as to the
 2 Article I § 8 Legislative Tribunal he was in front of. Such fraud acts
 3 to nullify the 'Executive Case' as prohibited by Due Process under the
 4 Fifth Amendment to the United States Constitution and is Prohibited
 5 under Article I § Cl.3. For these reasons, both the so called 'Indictment'
 6 and the resulting 'Judgment and commitment' are void ab initio, for lack
 7 / want of all jurisdiction.

8 It is commonly known that the federal government governs by the
 9 consent of the governed; has limited enumerated powers; is divided into
 10 three branches; does not have a police power; that congress cannot
 11 punish felonies generally, and that the federal government has no
 12 power to arrest or imprison JOVANNY RODRIGUEZ or the Real Party In
 13 Interest for ~~allegations of~~ purely 'state' acts of a local nature.

14 'USURPATION OF 'COMMERCE CLAUSE POWER':

15 The Commerce Clause Power granted to Congress at Article I § 8
 16 Clause 3 does not apply to Jovanny Rodriguez as a Private Man nor can
 17 it lawfully operate upon the Person JOVANNY RODRIGUEZ without the
 18 Express 'consent' of Jovanny Rodriguez to be governed under / for the
 19 fictitious Person JOVANNY RODRIGUEZ (as a surety or an accommodation
 20 party therefore).

21 Exercising a 'Living Constitution' to "fit the evolving standards
 22 of decency that mark the progress of a maturing society" the Supreme
 23 Court of the United States stated that anything or any Person which
 24 'substantially effects' commerce could be regulated by Congress. This
 25 was a usurpation of powers -- clearly not delegated in the Constitution
 26 and is inconsistent with its letter and spirit.

27 Neither Article I § 8 Cl. 3 nor Cl. 18 (the necessary and proper
 28

1 clause) grant Congress or United States the power to compel the Real
 2 Party In Interest to be bound by United States Code.

3
 4 ARTICLE I § 8 Cl. 3 READS:

5
 6 *** "To regulate commerce with foreign Nations, and among the several states,
 7 and with Indian tribes". ***

8 ARTICLE I § 8 Cl. 18 READS:

9
 10 *** "grants the power to make all laws...for carrying into
 11 execution the 'foregoing powers'" ***

12 The only reason that the Founding Fathers of this great Nation
 13 included "Indian Tribes" in Article I § 8 Cl. 3 was because at that
 14 point and time in our history We the People considered Indian Tribes
 15 savages that needed to be controlled. At no time in the history of the
 16 United States has there ever been a lawful application of the Commerce
 17 Clause directly upon the People or their Persons. The strict Letter
 18 of the Supreme Law of the Land must be followed as to whom the Commerce
 19 Clause applies. The only way that Congress Could lawfully possess any
 20 Commerce Clause power directly over the People or their Persons is by
 21 a Constitutional Amendment not by Judicial fiat / Usurpation or Tyranny.

22 Due to the above, the Plaintiff and the Real Party In Interest
 23 hereby declare that the Judgment and Commitment in the attached Executive
 24 Case is invalidated, nunc pro tunc, the date that the Real Party In
 25 Interest was arrested of his 'unalieanable right to Liberty' and taken
 26 before an Article I § 8 Legislative Tribunnal(masquarading as an Article
 27 III Court of Law under the Judicial Branch of the United States which
 28 lacked Jurisdiction).

1 The bedrock principles that the very structure of the Federal
 2 government was built on, was to "protect Individual Liberty". See e.g.
 3 Free Enterprise Fund v. Public Company Accounting Oversight Bd., 561
 4 U.S. 477, 130 S.Ct. 3138 (2010); Clinton v. City of New York, 524 U.S.
 5 417, 118 S.Ct. 2091(1998),

6 Power given in trust to preserve Individual Liberty, limited by
 7 that end, whenever it is manifestly neglected, usurped or opposed, said
 8 trust is breached and forfeited, devolving back on each Individual Man
 9 who gave it. Both THE STATE OF NEW YORK AND UNITED STATES violated
 10 the Real Party In Interests unalienable rights to Liberty and the
 11 Pursuit of Happiness in being born free and equal to all others, by
 12 trickery, deception and fraud subjecting him to a jurisdiction foreign
 13 to his dignity. (One of the chief complaints of the Founders, in the
 14 Declaration of Independence. See Schooner Exchange v. McFadden, 7 Cranch
 15 116, 137 3 L.Ed 287 (1812)).

16 "The Founding Fathers of this Great Nation meant that most areas
 17 of life, of the People, would forever, be beyond the reach of the
 18 Federal Government".(See Alden v. Maine, 527 U.S. 706, 119 S.Ct. 2240
 19 (1999)).

20 21 A PERSONAL RIGHT:

22
 23 A Separation of Powers inquiry is a 'personal right' that demands
 24 an answer to whether an allocation-of- authority to one branch of the
 25 federal government compromises the Constitutionally mandated roll of
 26 all three branches. As Judicial functions have been exercised and
 27 delegated to agencies under congressional supervision or control a
 28 Separations of Powers Act Violation has been made out by Plaintiff,
 as well as by the Real Party In Interest, causing them the concrete

injury in fact of false Executive Detention without Due Process of Law in an Article III § 1 Judicial Court of the United States. It is a simple fact, that Judicial functions, cannot be exercised nor delegated to agencies under congressional supervision or control and if there is punishment to be meted out, only Article III § 1 Courts of Law and Equity can administer it after an Article III § 2 'Case or Controversy' is made out, (See United States v. Lovett, 328 U.S. 303-330 (1946)) anything else, under an Article I § 8 Legislative Tribunal in which punishment is administered is in fact a "Bill of Attainder".

This Great Nation was founded on the Principles of Equality, Liberty and Justice, not the de facto codes Congress can dream up. See Bond v. United States, 529 U.S. 334 where the Supreme Court quoting Cohens v. Virginia, 6 WHEAT 264, 5 L.Ed 257 stated:

"For nearly two centuries it has been clear, that, lacking a Police Power, 'congress cannot' punish felonies generally." (This means Cohens is still good Law)!

Never has the Supreme Court of the United States come to grips with the unlawful implications of the Separation of Powers on its own "substantially effects commerce" ruling and limits to federalism when the statutes of Congress cause 'Executive Detention' directly upon the People without their consent and without an Article III Adjudication. See (New York v. U.S., 505 U.S. 144, 155, 120 L.Ed. 2d 120, 112 S.Ct 2408 (1992); quoting Gregory v. Ashcroft, 501 U.S. 452, 457, 115 L.Ed 2d 410, 111 S.Ct. 2391 (1991); Chisholm v. Georgia, 2 Dall 419, 435 1 L.Ed 440 (1793)).

Though the 94 United States District Courts and 12 Courts of

1 Appeals are 'statutory Creatures of Congress, they were created (or
2 ordained and established) under Article III § 1 Constitutional Judicial
3 power -- 'with no power in Congress to provide otherwise' meaning that
4 except in the county of Washington in the District of Columbia, where
5 Congress has Plenary Power over Ten Miles Square and other Territorial
6 and insular possessions, it does not have the power to apply Penal
7 Statutes on state Citizens such as JOVANNY RODRIGUEZ or Private Citizens
8 such as Jovanny R. Rodriguez who is Sui Juris and has the unalienable
9 natural right to liberty. There is no adhesion contract such as a Birth
10 Certificate, Social Security Card / Number, agreement to pay Federal
11 taxes for non government jobs which lawfully divests JOVANNY RODRIGUEZ
12 or the Real Party In Interests of their unalienable or Constitutional
13 rights inherent in being born free and equal to all others. Neither
14 does the use of Federal Reserve Notes (FRN'S) or a green card obligate
15 the Real Party In Interest to any type of indentured servitude whereby
16 United States Penal Code under titles 18 or 21 can be applied to impose
17 punishment.

18 In Bond v. U.S., Supra - Carol Ann Bond was twice granted Certiorari
19 by the Supreme Court of the United States (when only 1 in about 250
20 people are granted Certiorari) when she moved to dismiss chemical
21 weapons charges claiming that a statute of Congress exceeded its
22 enumerated powers and invaded powers reserved to the states by the
23 10th Amendment to the United States Constitution. In answer, the
24 Federal Government in 2011 claimed Bond lacked standing to bring such
25 a 10th Amendment challenge, 'then confessed error' when the Supreme
26 Court of the United States held:

27 "in a proper case, an individual may assert
28 injury from governmental action taken in
excess of the authority that federalism defines."

After the Third Circuit Court of Appeals also rejected Mrs. Bonds Constitutional challenge to her conviction on a mis-application of the "necessary and proper" authority of Article I § 8 cl.18, again the Supreme Court of the United States granted Certiorari, 184 L.Ed.2d 758 (2013) (Bond II) and stated:

"In our federal system, the national Government possesses only limited powers; the states and the People retain the remainder. The states have...a Police power(1), The Federal Government by contrast has no such authority and can exercise only the powers granted to it (2) including... Necessary and Proper...powers. (3) For two centuries... lacking a Police Power, Congress cannot punish felonies generally... (4) a criminal act...cannot be made an offense against the United States... unless...within the jurisdiction of the United States." (5)

(In relevant part)

Mrs. Bond However, did not go far enough in her claim when she exercised the states rights under the 10th Amendment(et al.), nor did she challenge the very application of the commerce clause upon her, or the forum she was sentenced in under an unlawful Article I § 8 Legislative Tribunal. See also O'DONOGHUE V. UNITED STATES, 289 U.S. at 564.

In UNITED STATES V. LOVETT, 328 U.S. 303, 317, 66 S.Ct1073 (1946)

Footnotes:

(1) UNITED STATES V. LOPEZ, 514 U.S. 549, 567, 115 S.Ct 1624 (1995)

(2) McCULLOCH V. MARYLAND, 4 WHEAT. 316, 405, 4 L.Ed. 579 (1819)

(3) UNITED STATES CONSTITUTION @ ARTICLE I § 8 Cl. 18

(4) COHENS V. VIRGINIA, 6 WHEAT. 264, 428 5 L.Ed. 257 (1821)

(5) UNITED STATES V. FOX, 95 U.S. 670 (1878)

1 --the Supreme Court of United States showed the truth of the matter when
2 it stated:

3
4 "Those who wrote our Constitution well knew the danger
5 inherent in special legislative acts which take away the
6 life, liberty or property of particular named persons
7 because the legislature thinks them guilty of conduct
8 which deserves punishment. They intended to safeguard the
9 People of this country from punishment without trial by
10 duly constituted courts."

11 (Underlined Emphasis added)

12 The special legislative acts mentioned are those that are prohibited
13 such as the 'Bill of Attainder' and the 'Courts' mentioned are meant to
14 mean Article III § 1 Judicial Courts of Law and Equity when an Article III
15 § 2 'Case or Controversy' is properly before such a Court of Law and can
16 provide 'Due Process of Law'.

17 If punishment is to be imposed, it must be by an Article III § 1
18 Court of law (if at all) as no de facto Article I § 8 legislative Tribunal
19 lawfully can, even with a man or a womans consent, because it is not a
20 natural state to be punished without being given full disclosure as to
21 the venue and charges themselves.

22 UNITED STATES VERSUS UNITED STATES OF AMERICA:

23 As shown in section IV herein above UNITED STATES is a Municipal
24 'Corporation' meaning that UNITED STATES CODE is the Corporations by-laws
25 and is not an actual Law, though it is prima facie evidence of law.

26 In sharp contrast, UNITED STATES OF AMERICA is a separate and
27 distinct entity which is not authorized by the People, is not Sovereign
28 and is subject as any 'person' to sue and be sued as common sense proves.

The distinction is important to this Article III § 1/2 'Case or

controversy' as UNITED STATES OF AMERICA was the Plaintiff in the attached Executive case # 1:11-cr-0755-JFK-3 in the UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK which purported to be a 'criminal case' though in reality it was started via an unlawful 'Bill of Attainder' purported to be A TRUE BILL of INDICTMENT which 'charged' Plaintiff of this Article III § 2 case or controversy as the defendant under 'Penal Codes' passed by Congress (known as UNITED STATES CODE) in excess of the 'commerce clause' power delegated to it by the People as enumerated in the UNITED STATES CONSTITUTION at Article I § 8 cl.3 and cl.18., meaning this was an Article I § 8 Tribunal.

GOVERNMENT APOSTILE AS A WITNESS IN FACT:

No where in the entire book of THE UNITED STATES GOVERNMENT MANUAL (2014 Ed.) (The official handbook of the Federal Government of the United States --printed by the Federal Registrars Office) is there an entity named UNITED STATES OF AMERICA which is a part of UNITED STATES or authorized to be "Plaintiff" for said government [see Page 22 - The chart of the Government of the UNITED STATES]!

Furthermore, no where in either the Constitution for the STATE OF NEW YORK — or — the Constitution for UNITED STATES is there an entity named UNITED STATES OF AMERICA which is delegated any power by the People, nor do these Constitutions vest power in the representatives of either Constitution to create such an entity to be 'Plaintiff' on behalf of either. Such an entity has no lawful power to compel the Plaintiff of this Article III § 1 / 2 case or this Private Man, the Real Party In Interest Jovanny R. Rodriguez to be bound by the dictates of Congress' 'UNITED STATES CODE'.

1 UNITED STATES OF AMERICA is hwoever, a historically significant named
 2 entity, as it was in Article 1 of the Articles of Confederation which
 3 the several states established as UNITED STATES OF AMERICA and the
 4 People of united States of America then established the Constitution
 5 for the United States (preamble); and while the states have their own
 6 attributes of 'sovereignty, within their respective borders, except
 7 for powers delegated to the UNITED STATES by the Constitution, or
 8 'valid' treatise with the UNITED STATES, (which do not infringe on the
 9 unalienable rights of the People), the People have never established
 10 a new national power over them that could disenfranchise them of their
 11 Liberty which government was designed to protect.

12 "UNITED STATES is a foreign 'Corporation' with respect to a state"
 13 See Volume 20 Corpus Juris Secundum Section 1785, NY re: Merriam 36
 14 N.E. 505, 1441 S.Ct. 1973, 41 L.Ed.287 (and also with respect to its
 15 citizens or a Private Man or Woman). "Congressional statutes do not
 16 extent into the states". CAHA V. UNITED STATES, 152 U.S. 215 (1894);
 17 "The UNITED STATES does not hold municipal sovereign, jurisdiction
 18 or right of soil...of any state". POLLARD V. HAGEN, 3 HOW 212, 223
 19 11 L.Ed 565 (1845).

20 UNITED STATES LACKED STANDING :

21
 22 The UNITED STATES DISTRICT ATTORNEY FOR THE SOUTHERN DISTRICT
 23 OF NEW YORK lacked standing to:

- 24
- 25 1.) Empanel a Grand Jury to 'Charge' Plaintiff as Defendant
 in the alleged criminal case; and to
- 26 2.) ~~Constitute~~ an Article III § 1 Judicial Court of law and
 equity; and to
- 27 3.) ~~Constitute~~ an Article III § 2 Case or Controversy
 28 as the victim of a concrete injury in fact.

Only Article III § 1 Judicial Courts of Law and Equity are lawfully authorized by the People to be Judicial in nature that hear Article III § 2 cases or controversies. This Judicial Court is the Judicial Branch of Government and is purposely separated from the Executive Branch and the Legislative Branch — to protect and preserve the Liberty of the People.

Simply put, where 'Liberty' of a Private Man or Woman is at stake, no Article I § 8 Legislative Tribunal, that is 'statutory' can ever arrest or imprison that Liberty. The UNITED STATES CODES which were applied to the fictitious Person JOVANNY RODRIGUEZ was an abuse of legal process / Barratry and the Judgment and Commitment is void ab initio. Furthermore, UNITED STATES has no lawful authority to compel the natural Man, who is a proper english noun and therefore must be written as:

*** Jovanny R. Rodriguez ***

into false Executive Detention in place of JOVANNY RODRIGUEZ.

LACK OF ALL JURISDICTION:

As the Jurisdiction of the Federal Courts (i.e. UNITED STATES DISTRICT COURTS) is limited to Article III § 2 cases or controversies, whenever, it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action and go no further . See Fed.R.Civ.P. Rule 12(h)(3). Such an objection may be raised at any time, even after trial and entry of judgment. Plaintiff and the Real Party In Interest hereby make such a 'Declaration of objection' to compel the dismissal for want of Jurisdiction under Rule 12(b)(1) Fed.R.Civ.P. (out of necessity to private rights).

That "Parties may not by consent confer Jurisdiction" is a principle

1 of stare decisis long held by the Courts. See HIGBY V. AYRES, 14 Kan. 331,
 2 334 (1857); HOAGLAND V. CREED, 81 Ill, 506, 508 (1876) "Jurisdiction must
 3 be proven and appear on the record". HAGEN V. LAVINE, 415 U.S. 528, 94
 4 S.Ct. 1327(1974); "Jurisdiction cannot be presumed in any court". UNITED
 5 STATES V. CHIARITO, 69 F.Supp. 317 (D. OR 1946); when UNITED STATES OF
 6 AMERICA comes into federal court, it takes the position of a private
 7 suitor agreeing that justice may be done to the subject matter. See UNITED
 8 STATES V. CUCH, 79 F.3d 987, 990 (1996); UNITED STATES V. THEKLA, 266 U.S.
 9 328 (1924); "When a man is taken against his will to court he cannot
 10 consent to subject matter jurisdiction". See CALIFORNIA V. LANE, 409 U.S.
 11 109, 112 N.3 (1972); See also MOORE'S Federal Practice Page 0.60(40) at
 12 624 (1986).

13 Jurisdiction is power to declare law and when it ceases to exist,
 14 the only function remaining to the court is that of announcing the fact
 15 and dismissing the case. (See STEEL CO. V. CITIZENS FOR A BETTER ENVIRON-
 16 MENT, 523 U.S. 82 (1998))

17 Furthermore, "Congressional Acts' do not vest UNITED STATES DISTRICT
 18 COURTS with criminal jurisdiction". HUBBARD V. AMMERMAN, 465 F.2d 1169,
 19 1176 (5th Cir. 1972); GLIDDON V. ADANOK, 370 U.S. 530(1962); HARLOW V.
 20 FITZGERALD, 475 U.S. 800 (1982); DOWLING V. UNITED STATES, 473 U.S. 207, 213
 21 (1985); COLEMAN V. THOMPSON, 501 U.S. 722, 759 (1991); 16 AM Jur 2d 8
 22 256; UNITED STATES V. LOPEZ, 115 S.Ct. 1624 (1995); et al.

23

24

APPLICATION OF TITLE 18 U.S.C.:

25 *** The application of Title 18 of UNITED STATES CODE is the application
 26 of a Penal Code which is mislabeled as "crimes and criminal Procedure" yet
 27 specifically defines the following:

28

1 STATES: include the District of Columbia, Puerto Rico, Territories, and
insular possessions:
2

3 ACT OF CONGRESS: includes any act of congress locally applicable to an in
force in the District of Columbia, in Puerto Rico or in a Territory
of insular possession;
4

5 UNITED STATES: is defined in the 'territorial sense' to include: 'The term
United States, as used in this title is a territorial sense, and
6 includes all places and waters continental and insular subject to
the jurisdiction of the United States, (18 U.S.C. § 5).
7

8 JURISDICTION: at 18 U.S.C. § 7 (Jurisdiction) Special Maritime and territorial
jurisdiction defines eight (8) Jurisdictions, none of which reaches
into the state republic of New York or onto the People.
9

10 INTERSTATE AND FOREIGN COMMERCE: as used in title 18 (18 U.S.C. § 10) is
defined to mean/include "commerce between one state, territory or
possession or the District of Columbia".
11

12 Pursuant to the principle of "INCLUSIO UNIUS EST EXCLUSIO ALTERIUS",
13 Title 18 does not apply to any state republic or to People who do not
14 and cannot consent to give a District Court Subject Matter Jurisdiction.
15 See HOTCH V. UNITED STATES, 212 F.2d 280 (1954) for the prerequisites to
16 issuance of making certain acts criminal.

17 DELEGATED AUTHORITY & PROOF AGAINST UNITED STATES:

18 28 C.F.R. § Part 55(b) delegates the capacity of the Assistant Attorney
19 General for UNITED STATES over the criminal division of the Department
of Justice in relation to offenses against the UNITED STATES:
20

21 28 C.F.R. § Part 064-1 then establishes that the Assistant Attorney
22 General holds the capacity as an agent for "UNITED STATES OF AMERICA"
under treatise and executive agreements in criminal matters;
23

24 These two Codes of Federal Regulations show that as UNITED STATES
25 OF AMERICA was the 'Plaintiff' in the Executive Case of 1:11-cr-00755-
JFK-3 UNITED STATES OF AMERICA Plaintiff, verses JOVANNY RODRIGUEZ
26 Defendant in the Southern District of New York UNITED STATES DISTRICT
27 COURT, and that a political compact was established under treatise,
28 between UNITED STATES, UNITED STATES OF AMERICA and THE STATE OF NEW
YORK to sell citizens of New York to the foreign Jurisdiction of UNITED

STATES, for revenue. This unlawful usurpation of the power of the People to govern themselves, violates the basic building blocks of both state Government and the Federal Government, as well as the unalienable right to Life, Liberty and the Pursuit of Happiness(which is enshrined in the Declaration of Independence).

To Show that UNITED STATES AND UNITED STATES OF AMERICA are separate and completely distinct legal entities the Code of Federal Regulations lists the separate delegation of authority to the Director of the Federal Bureau of Prisons:

28 C.F.R. § Part 096 — The Director of the Federal Bureau of Prisons and his officers (wardens) are authorized to: (1) imprison people convicted of offenses against the UNITED STATES, (2) accept and imprison prisoners transferred from the UNITED STATES OF AMERICA and (3) accept and imprison prisoners transferred from the District of Columbia.

28 C.F.R. § Part 096(b) — The Director of the Federal Bureau of Prison and officers...designated by him are authorized to....transfer offenders to and from UNITED STATES OF AMERICA under a 'treatise' referred to as Public Law 95-144; to make arrangements with the states and to receive offenders from the states for transfer to a foreign country; to act as an agent of the UNITED STATES and to receive delivery from a foreign government of any person being transferred to the UNITED STATES.

(In pertinent part -- underlined Emphasis added to show the distinction between the entities and the 'foreign' nature of the states and UNITED STATES: and UNITED STATES OF AMERICA).

18 U.S.C. § 4108 Et seq. 4100(b) whoever is transferred from UNITED STATES OF AMERICA to the UNITED STATES custody MUST sign 'consent' prior to transfer and said consent, is to be maintained in the Attorney Generals Office. The Real Party In Interest has never signed his consent -or- if it was in fact signed, it was signed under fraudulent pretenses and is void ab initio as unconscionable.

(NOTICE IS HEREBY SERVED THAT PLAINTIFF DEMANDS PRODUCTION OF ANY SUCH DOCUMENT)

THE RIGHT TO HABEAS CORPUS:

Habeas Corpus is "governed by equitable principles" FAY V. NOIA, 372 U.S. 391, 438, 83 S.Ct. 822 (1963) and "is at its core a remedy for unlawful executive detention" HAMDI V. RUMSFELD, 542 U.S. 507,536,124 S.Ct.

1 2633(2004)"the typical remedy for such detention is, of course,
 2 'Release'". See e.g., PREISER V. RODRIGUEZ, 411 U.S. 475, 93 S.Ct.
 3 1827 (1973); SCHULP V. DELO, 513 U.S. 298, 115 S.Ct. 851 (1995).

4 CONCLUSION OF FACTS AND LAW:

5 This is an Article III § 2 case in which the rights of the
 6 Plaintiff JOVANNY RODRIGUEZ and The Real Party in Interest Jovanny
 7 R. Rodriguez are at issue, claimed injuries have been raised / stated
 8 as concrete in nature and therefore a Judicial Article III § 1 Court
 9 of law must ~~be~~ solve it by the immediate and unconditional discharge,
 10 as a matter of Law and Equity, of the Judgment and Commitment and
 11 the so called Indictment. This is not a case to be 'disposed of' and
 12 is bound by none of the strictures of state or federal statutes, rules
 13 or timelines to allow any kind of procedural default of Rights.

14 As a matter of Law and Equity, JOVANNY RODRIGUEZ and Jovanny
 15 R. Rodriguez have borne the burden of proving that they are in false
 16 Executive Detention in violation of the UNITED STATES CONSTITUTION
 17 and hereby demand that they be immediately and unconditionally
 18 discharged from said Detention!

19 *** A TRUE BILL ***

20 I Jovanny R. Rodriguez appearing by Restricted Appearance hereby
 21 declare that this is a true bill of debt owed to me by UNITED STATES
 22 AND if called to testify to the veracity I will appear and be sworn
 in to do so.

23 Submitted for a decision
 24 this ____ day of _____
 in the year 2017.

25
 26 (for)


 JOVANNY RODRIGUEZ

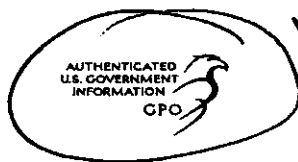
The United States Government Manual 2014

NOTE: This Evidence shows Conclusively that Inferior Courts such as District Courts and Appeals Courts have only Article III §1 Judicial Jurisdiction of Article III §2 Cases or Controversies, while Judges hold office only during good behavior and Congress is without power to provide otherwise.

Federal Courts are mandated to take 'Judicial Notice' if a Party requests it and the Court is supplied with Necessary info. Fed R. Evid. Rule 201(c) or Plaintiff has a right to be heard on the Propriety of taking Judicial Notice and the Nature of the facts to be Noticed Fed. R. Evid. Rule 201(e).

This Evidence complies with Fed. R. Evid. Rule 201(b)(2) as it can be accurately and readily determined from their source whose accuracy cannot reasonably be questioned.

Office of the Federal Register
National Archives and Records Administration



"Self Authenticating Evidence"
Pursuant to Fed. R. Evid. Rule 902(5)

Exhibit "C" 1 of 3

Congress has no authority to change the original jurisdiction of this Court.

Rulemaking Power Congress has from time to time conferred upon the Supreme Court power to prescribe rules of procedure to be followed by the lower courts of the United States.

Court Term The term of the Court begins on the first Monday in October and lasts until the first Monday in October of the next year. Approximately 8,000–10,000 cases are filed with the Court in the course of a term, and some 1,000 applications of various kinds are

filed each year that can be acted upon by a single Justice.

Access to Facilities The Supreme Court is open to the public from 9 a.m. to 4:30 p.m., Monday through Friday, except on Federal holidays. Unless the Court or Chief Justice orders otherwise, the Clerk's office is open from 9 a.m. to 5 p.m., Monday through Friday, except on Federal holidays. The library is open to members of the bar of the Court, attorneys for the various Federal departments and agencies, and Members of Congress.

For further information concerning the Supreme Court, contact the Public Information Office, United States Supreme Court Building, One First Street NE., Washington, DC 20543. Phone, 202-479-3211. Internet, <http://www.supremecourt.gov>.

LOWER COURTS

Article III of the Constitution declares, in section 1, that the judicial power of the United States shall be invested in one Supreme Court and in "such inferior Courts as the Congress may from time to time ordain and establish."
The Supreme Court has held that these

constitutional courts "... share in the exercise of the judicial power defined in that section, can be invested with no other jurisdiction, and have judges who hold office during good behavior, with no power in Congress to provide otherwise."

(Emphasis Added)

United States Courts of Appeals

The courts of appeals are intermediate appellate courts created by act of March 3, 1891 (28 U.S.C. ch. 3), to relieve the Supreme Court of considering all appeals in cases originally decided by the Federal trial courts. They are empowered to review all final decisions and certain interlocutory decisions (18 U.S.C. 3731; 28 U.S.C. 1291, 1292) of district courts. They also are empowered to review and enforce orders of many Federal administrative bodies. The decisions of the courts of appeals are final except as they are subject to review on writ of certiorari by the Supreme Court.

The United States is divided geographically into 12 judicial circuits, including the District of Columbia. Each circuit has a court of appeals (28 U.S.C. 41, 1294). Each of the 50 States is assigned to one of the circuits. The

territories and the Commonwealth of Puerto Rico are assigned variously to the first, third, and ninth circuits. There is also a Court of Appeals for the Federal Circuit, which has nationwide jurisdiction defined by subject matter. At present each court of appeals has from 6 to 28 permanent circuit judgeships (179 in all), depending upon the amount of judicial work in the circuit. Circuit judges hold their offices during good behavior as provided by Article III, section 1, of the Constitution. The judge senior in commission who is under 70 years of age (65 at inception of term), has been in office at least 1 year, and has not previously been chief judge, serves as the chief judge of the circuit for a 7-year term. One of the Justices of the Supreme Court is assigned as circuit justice for each of the 13 judicial circuits. Each

ORIGINAL

CR 12 (Rev. 5/03)

WARRANT FOR ARREST

United States District Court		DISTRICT SOUTHERN DISTRICT OF NEW YORK	
UNITED STATES OF AMERICA v. JOVANNY RODRIGUEZ		DOCKET NO. 11 MAG	MAGISTRATE'S CASE NO. 1851
WARRANT ISSUED ON THE BASIS OF: <input type="checkbox"/> Indictment <input type="checkbox"/> Information <input checked="" type="checkbox"/> Complaint		NAME AND ADDRESS OF INDIVIDUAL TO BE ARRESTED JOVANNY RODRIGUEZ	
TO: UNITED STATES MARSHAL OR ANY OTHER AUTHORIZED OFFICER		DISTRICT OF ARREST	
YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the United States District Court to answer to the charge(s) listed below.		CITY	
DESCRIPTION OF CHARGES Kidnapping, Firearm			
<div style="display: flex; justify-content: space-between; align-items: center;"> <div>DOC # <u>2</u></div> <div style="border: 1px solid black; border-radius: 50%; padding: 10px; text-align: center;"> U.S. DISTRICT COURT FILED JUL 14 2011 S. D. OF N. Y. </div> </div>			
IN VIOLATION OF	UNITED STATES CODE TITLE 18	SECTION 371, 1201, 924(c)	
JAMES C. FRANCIS IV UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK ORDERED BY		OTHER CONDITIONS OF RELEASE SIGNATURE (FEDERAL JUDGE / S. MAGISTRATE) <i>James C. Francis IV</i>	
CLERK OF COURT	(BY) DEPUTY CLERK	DATE ORDERED JUL 14 2011 DATE ISSUED	
RETURN			
This warrant was received and executed with the arrest of the above-named person.			
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER	
DATE EXECUTED			

Note: The arresting officer is directed to serve the attached copy of the charge on the defendant at the time this warrant is executed.

EXHIBIT " A "

11 CRIM 755

AO 245B

(Rev. 09/11) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA

v.

JOVANNY RODRIGUEZ, a/k/a "Johnny"

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:11-cr-00755-008 (JFK)

USM Number: 66804054

Peter Brill, Esq.
Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s)☐ pleaded nolo contendere to count(s)
which was accepted by the court.☒ was found guilty on count(s) 1,2,4,5,6,7,8,9,10,11,12 and 15
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC 1201(c)	Conspiracy to Commit Kidnapping	5/31/2011	2
			(Contd)

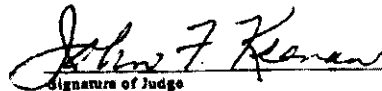
The defendant is sentenced as provided in pages 2 through _____ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)☐ Count(s)☒ Underlying Indictments☐ Motion(s)☐ is ☐ are dismissed on the motion of the United States.☐ is ☒ are dismissed on the motion of the United States.☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

3/14/2014

Date of Imposition of Judgment



Signature of Judge

HON. JOHN F. KEENAN

USDJ

Name and Title of Judge

3/18/14

Date

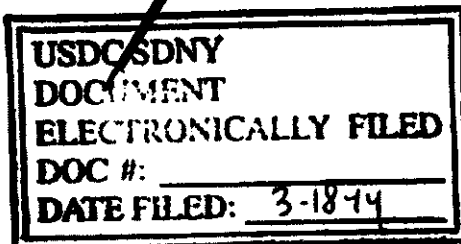


Exhibit "B"

Judgment—Page AO 2 of 5

ADDITIONAL COUNTS OF CONVICTION

[illegible]

AO 245B (Rev. 09/11) Judgment in Criminal Case
Sheet 2 — Imprisonment

Judgment — Page 3 of 5

DEFENDANT: JOVANNY RODRIGUEZ, a/k/a "Johnny"
CASE NUMBER: 1:S13 11 CR 00755-003 (JFK)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Life (Count 1: 20 years; Count 2: Life; Count 4: 20 years; Count 5: Life; Count 6: 84 months; Count 7: 20 years; Count 8: 20 years; Count 9: 20 years; Count 10: 20 years; Count 11: Life; Count 12: 25 years; Count 15: 10 years. All counts are to run concurrently except Count 6 and Count 12 which are to run consecutively with other counts.)

☒ The court makes the following recommendations to the Bureau of Prisons:

The court recommends that the defendant be incarcerated in the northeast United States.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

AO 245B (Rev. 09/11) Judgment in a Criminal Case
Sheet 5 — Criminal Monetary PenaltiesJudgment — Page 4 of 5

DEFENDANT: JOVANNY RODRIGUEZ, a/k/a "Johnny"

CASE NUMBER: 1:913 11 CR 00755-003 (JFK)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,200.00	\$	\$

☒ The determination of restitution is deferred until 4/14/2014 An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS	\$	\$
---------------	----	----

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 09/11) Judgment in a Criminal Case
Sheet 6 — Schedule of PaymentsJudgment — Page 5 of 5DEFENDANT: JOVANNY RODRIGUEZ, a/k/a "Johnny"
CASE NUMBER: 1:S13 11 CR 00755-003 (JFK)**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 1,200.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

C/O: JOVANNY RODRIGUEZ # 65504-054
UNITED STATES PENITENTIARY CANAAN
POST OFFICE BOX 300
WAYMART, PENNSYLVANIA 18472

Dear Clerk of Court,

August __, 2017

Please find enclosed my document entitled "FIRST AMENDMENT" BILL OF COMPLAINT' FOR REDRESS OF GRIEVANCES IN THE NATURE OF A COMMON LAW WRIT OF HABEAS CORPUS AD SUBJICIENDUM PER ARTICLE I § 9 Cls. 2 OF THE UNITED STATES CONSTITUTION" a twenty two (22) page Complaint invoking an Article III § 1 Judicial Court of Law.

I respectfully request that you file it and send me a filed stamped copy with the docket number across the top --of just the first page, for my records.

Thank you for your time and effort on my behalf!

P.S. Also enclosed are Exhibits A-C.

Sincerely,

(for) 
JOVANNY RODRIGUEZ

c/o JOVANNY RODRIGUEZ # 65564-054
UNITED STATES PENITENTIARY - CANAAN
POST OFFICE BOX 300
Waymart, Pennsylvania 18472



RECEIVED
SCRANTON
AUG 28 2017
PER [Signature] DEPUTY CLERK

ATTENTION: CLERK OF COURT
UNITED STATES DISTRICT COURT --MIDDLE DISTRICT OF PA
POST OFFICE BOX 1148
Scranton, PA 18503

